

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

LEAGUE OF WILDERNESS DEFENDERS /)	Case No. 2:16-CV-01648-MO
BLUE MOUNTAINS BIODIVERSITY PROJECT)	
)	
Plaintiff,)	STIPULATION RELATED TO
)	PLAINTIFF'S CLAIM FOR
v.)	SUPPLEMENTAL ATTORNEYS'
)	FEES
SLATER R. TURNER, <i>et al.</i> ,)	
)	
Defendants.)	
)	

WHEREAS, the Court entered an Opinion and Order on Plaintiff's claim for attorneys' fees, costs, and expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), ECF No. 84;

WHEREAS, Defendants moved for relief of the Court's order under Rule 60, ECF No. 85;

WHEREAS, the Court denied Defendants' motion in a minute order (ECF No. 88) and entered an Amended Opinion and Order on Plaintiff's claim for attorneys' fees, costs, and expenses under EAJA, ECF No. 89;

WHEREAS Plaintiff claims an award for supplemental attorney fees under EAJA for responding to Defendants' Rule 60 motion, ECF No. 90;

WHEREAS the Parties conferred via email in July 2018 and met and conferred via telephone on August 1, 2018;

WHEREAS, the Parties, absent an appeal of the Court's rulings, agree that the Court's prior determinations on hours and rates would also apply to briefing of the Rule 60 motion;

WHEREAS, the Parties have reached a stipulation as to hours and rates that are allowable

for Plaintiff's claim for supplemental attorney fees;

WHEREAS, the Parties desire to stipulate to the amount of Plaintiff's award of supplemental attorneys' fees;

WHEREAS, the Parties acknowledge that if there is an appeal of the Court's rulings, and depending on what the final decision is on appeal, the Parties may need to revisit this Stipulation so that the hours and rates are consistent with that final decision.

NOW THEREFORE the Parties hereby stipulate and agree to the following:

1. The Parties stipulate to the hours and rates that are allowable under the Court's prior rulings as to each attorney or law clerk, as contained in the following table, and have calculated the amount of Plaintiff's stipulated award of supplemental attorney's fees, absent an appeal of the Court's rulings, by applying these previously determined rates to the stipulated hours.

Individual	Stipulated Hours	Stipulated Rate	Stipulated Amount
Buss	38.1	\$200.78	\$7,649.71
Buchele	16.0	\$475.00	\$7,600.00
Roberts	22.8	\$140.00	\$3,192.00
Total	76.9		\$18,441.71

2. This Stipulation on hours, rates, and total supplemental attorneys' fees is not intended to limit any Party's ability to challenge on appeal these hours, rates, and total supplemental attorneys' fees to which Plaintiff would otherwise be entitled.

A proposed order is attached hereto and will be emailed to chambers.

Respectfully submitted on this 8th day of August 2018.

For Plaintiff

/s/_____
Jesse A. Buss, OSB # 122919
411 Fifth Street
Oregon City, OR 97045-2224
Phone: (503) 656-4884
Fax: (503) 608-4100
jessebuss@gmail.com

Tom Buchele
Earthrise Law Center
Lewis & Clark Law School
10015 SW Terwilliger Blvd.
Portland, OR 97219-7799
Phone: (503) 768-6643
Fax: (503) 768-6642
tbuchele@lclark.edu

For Defendants

BILLY J. WILLIAMS
United States Attorney
District of Oregon

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment and Natural Resources Division

/s/_____
JOHN P. TUSTIN
Trial Attorney
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 305-3022
Fax: (202) 305-0506
john.tustin@usdoj.gov